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9 Richard Brockie, Timothy O'Hara, & Fremont Freewheelers Bicycle Club
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7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9 SAN FRANCISCO DIVISION
10

11 CORNELIUS LOPES,

Case No.: C 07-6213 PJH

12 Plaintiff,

DECLARATION OF TIMOTHY
O'HARA IN SUPPORT OF HIS
MOTION TO DISMISS FOR
IMPROPER SERVICE

13 Vs.

14 FREEMONT FREEWHEELERS, et al.,

Date: July 9, 2008
Time: 9:00am
Dept: Courtroom 3, 17th Floor
Judge: Hon. Phyllis J. Hamilton

15 Defendants.

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19 My name is Timothy O'Hara, if called as a witness in this proceeding, I could and
20 would competently testify as follows:

21 1. I have never been personally served in this litigation.
22 2. I am in receipt of Document 53 filed on 5/16/08 by the plaintiff in which
23 he claims copies of complaint and summons were left at my house with a
24 person of suitable age, George Dayzie.
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1 3. George Dayzie is not an adult who lives at my dwelling house and upon
2 understanding and belief he does not even live in the housing complex in
3 which I reside.

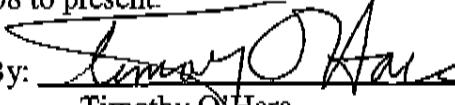
4 4. George Dayzie is not and has never been my agent.

5 5. I did receive a copy of the complaint and summons on May 2, 2008 by
6 Ernesto Bautista. Ernesto Bautista did not know what he was giving me
7 but simply told me that someone had left a package for me.

8 6. Ernesto Bautista does not reside at my residence. Upon information and
9 belief Ernesto Bautista does not even reside in the housing complex in
10 which I reside.

11 7. I have never received a copy of the complaint and summons via USPS
12 mail since April 29, 2008 to present.

13 Dated: May 23, 2008

14 By: 
15 _____
16 Timothy O'Hara

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